IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9272 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHERU BHARAT MEHTA

Versus

NARIMAN BAMANSHA MEDHORA

Appearance:

1. Special Civil Application No. 9272 of 2004

MR BM MANGUKIYA for Petitioner No. 1

Sr. Cousnel Mr. S.M. Shah with Mr. Premal Joshi for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/09/2004

ORAL JUDGEMENT

1. Rule. Mr. Premal Joshi, learned advocate for

the respondents waives service of rule.

2. Heard the advocates for the parties. On page-10 of the petition the petitioner has stated as under:-

" ... if the petitioner is joined as party defendant as the heir of deceased Darayas the petitioner has no objection. "

3. The grievance of the petitioner is, though the petitioner is joined as party defendant as the heir of deceased, the trial court in the operative order has said that " the objector should be taken as judgment debtor". In my view instead of the word 'judgment debtor' the petitioner ought to have been joined as " Legal Heir" of deceased Darayas. In that view of the matter the order of the trial court is modified only to the extent the word used in the operative order, and the same shall be read as follows :-

" Application is hereby allowed. The aforementioned name be joined as the Legal Heir of deceased Derayas ...."

4. The petition is disposed of accordingly. Rule is made absolute to the above extent. If the respondents files an application before the trial court, trial court shall try to expedite the proceedings. No order as to costs.

Dt: 13-9-2004 (K.S. JHAVERI, J)

/vgn